

O8CUTORP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

24 Cr. 474 (SLC) (CM)

EMMANUEL TORRES,

Plea

Defendant.

New York, N.Y.
August 12, 2024
10:00 a.m.

Before:

HON. SARAH L. CAVE,

U.S. Magistrate Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

BY: BENJAMIN GIANNFORTI

Assistant United States Attorney

EPSTEIN SACKS, LLP

Attorney for Defendant

BY: SARAH M. SACKS

O8CUTORP

(Case called)

MR. GIANNFORTI: Good morning, your Honor.
Ben Giannforti for the government.

THE COURT: Good morning.

MS. SACKS: Good morning, your Honor. Sarah Sacks for
Emmanuel Torres, who is seated next to me at counsel's table.

THE COURT: Good morning, Mr. Sacks.

Good morning, Mr. Torres. Nice to meet you.

THE DEFENDANT: Hi. Good morning, your Honor.

THE COURT: I'm Magistrate Judge Cave.

Just pull the microphone a little closer to you there.

And same for you, Ms. Sacks.

So that the court reporter is able to get everything
for us. Thank you.

All right. So, Mr. Torres, we're here this morning
for a plea allocution. And I have before me a form entitled
Consent to Proceed Before a United States Magistrate Judge on a
Felony Plea Allocution that you've signed. And what this form
says is that knowing that you have the right to have your plea
taken by a United States District Judge, you are agreeing to
have the plea taken by me, a United States Magistrate Judge.
Do you understand that, sir?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. Great.

I will accept that consent, and I will ask my deputy

O8CUTORP

1 to please swear in Mr. Torres and also take the waiver of
2 indictment.

3 Thank you.

4 (Defendant sworn)

5 THE DEPUTY CLERK: Thank you.

6 You are Emmanuel Torres?

7 THE DEFENDANT: Yes.

8 THE DEPUTY CLERK: Have you signed the waiver of
9 indictment?

10 THE DEFENDANT: Yes.

11 THE DEPUTY CLERK: Before you signed it, did you
12 discuss it with your attorney?

13 THE DEFENDANT: Yes.

14 THE DEPUTY CLERK: Did your attorney explain it to
15 you?

16 THE DEFENDANT: Yes.

17 THE DEPUTY CLERK: Do you understand what you are
18 doing?

19 THE DEFENDANT: Yes.

20 THE DEPUTY CLERK: Do you understand that you are
21 under no obligation to waive indictment?

22 THE DEFENDANT: Yes.

23 THE DEPUTY CLERK: Do you understand that if you do
24 not waive indictment, if the government wants to prosecute you,
25 they will have to present this case to a grand jury which may

O8CUTORP

1 or may not indict you?

2 THE DEFENDANT: Yes.

3 THE DEPUTY CLERK: Do you understand that by signing
4 the waiver of indictment you have given up your right to have
5 this case presented to a grand jury?

6 THE DEFENDANT: Yes.

7 THE DEPUTY CLERK: Do you understand what a grand jury
8 is?

9 THE DEFENDANT: Yes.

10 THE DEPUTY CLERK: Have you seen a copy of the
11 information?

12 THE DEFENDANT: Yes.

13 THE DEPUTY CLERK: Do you waive its public reading?

14 THE DEFENDANT: Yes.

15 THE COURT: Very good. Thank you, Mr. Torres.

16 So the purpose of this proceeding today is to make
17 sure that you understand your rights, to decide whether you're
18 pleading guilty of your own free will, and to make sure you're
19 pleading guilty because you are guilty and not for some other
20 reason. Before accepting your guilty plea, there are a number
21 of questions I must ask you while you're under oath to
22 assure -- so that I can assure myself that it is a valid plea.
23 I may at times cover a point more than once and I may cover
24 matters that were also addressed in the Advice of Rights form
25 that you received. If I do, that is because it is very

O8CUTORP

1 important that you understand what is happening here today. In
2 that regard, if you do not understand something that I ask you,
3 please say so, and I will reword the question or you may have a
4 chance to speak to your attorney. Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Okay. And do you understand, Mr. Torres,
7 that any statements you make here may be used against you in a
8 prosecution for perjury or making false statements?

9 THE DEFENDANT: Yes.

10 THE COURT: And please tell us again your full name.

11 THE DEFENDANT: Emmanuel Torres.

12 THE COURT: How old are you, sir?

13 THE DEFENDANT: Thirty-four.

14 THE COURT: Are you a citizen of the United States?

15 THE DEFENDANT: Yes, I am, your Honor.

16 THE COURT: Are you able to read and write in English?

17 THE DEFENDANT: Yes.

18 THE COURT: How far did you go in school, sir?

19 THE DEFENDANT: Some college.

20 THE COURT: And did you receive a degree?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: And are you now or have you recently been
23 under the continuing care of a doctor or a psychiatrist?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Have you been hospitalized in the past for

O8CUTORP

1 mental illness?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Have you been hospitalized in the past for
4 alcoholism?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Have you hospitalized in the past for
7 narcotics addiction?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Thank you. As you sit here today, are you
10 under the influence of any mind-altering drug or any alcoholic
11 drink?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: And so far you've understood everything
14 that we've said to you?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And just to reconfirm, you've seen a copy
17 of the information in this case?

18 THE DEFENDANT: Yes.

19 THE COURT: And have you read it?

20 THE DEFENDANT: Yes, I have.

21 THE COURT: And do you understand what it says you
22 did?

23 THE DEFENDANT: Yes.

24 THE COURT: And have you had a chance to discuss the
25 charges and how you wish to plead with Ms. Sacks?

O8CUTORP

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And are you satisfied with her
3 representation of you?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: And do you feel that you've had a full
6 opportunity to discuss your case with her?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Good. So are you now ready to enter a
9 plea today?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Okay. Good. Mr. Giannforti, pursuant to
12 Federal Rule of Criminal Procedure 5(f) I need to confirm that
13 the government is aware of and has fulfilled its obligation
14 under *Brady v. Maryland* and its progeny to disclose to the
15 defendant all information whether admissible or not that is
16 favorable to Mr. Torres material either to guilt or to
17 punishment and known to the government.

18 MR. GIANNFORTI: Yes, your Honor.

19 THE COURT: Thank you.

20 Mr. Torres, Count One of the information charges that
21 from 2015 until 2022 you knowingly conducted, controlled,
22 managed, supervised, directed, and owned an unlicensed
23 money-transmitting business that smuggled bulk currency from
24 the United States to the Dominican Republic and that that
25 currency was derived from a criminal offense in violation of

O8CUTORP

1 18, U.S.C., Sections 1960 and 2. Do you understand this
2 charge, sir?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: And how do you wish to plead, guilty or
5 not guilty?

6 MR. GIANNFORTI: Your Honor --

7 THE COURT: Yes.

8 MR. GIANNFORTI: -- just briefly, Ms. Sacks and I had
9 a conference right before this and I should have marked up the
10 plea agreement. But Mr. Torres will actually be pleading to
11 conduct covering 2019 to 2022.

12 THE COURT: Okay.

13 MR. GIANNFORTI: We're happy to initial that change,
14 if you want to make it, just so the record's clear.

15 THE COURT: Okay. Yes. So 2019 until 2022?

16 MS. SACKS: Yes.

17 THE COURT: Okay.

18 MS. SACKS: I just wanted to, just to make clear, does
19 he need to be arraigned first on the information before he
20 pleads?

21 THE COURT: Yes. We can do that. I didn't realize he
22 hadn't been arraigned.

23 MS. SACKS: He has not been arraigned on the
24 information.

25 THE COURT: Okay. All right. So we'll back up two

O8CUTORP

1 steps. Why don't you make what changes you want to make to the
2 plea agreement and we'll just pause for a second. Go ahead.

3 (Discussion off the record)

4 THE COURT: All right. So it's come to my attention,
5 Mr. Torres, that you have not been formally arraigned on the
6 information. So I'm going to arraign you, conduct the
7 arraignment right now.

8 So I have before me an information that charges you
9 with one count of operation of an unlicensed money-transmission
10 business, and the information alleges that from 2019 through at
11 least in or about 2022, in this district and elsewhere, you
12 knowingly conducted, controlled, managed, supervised, directed,
13 and owned all or part of a money-transmitting business, and,
14 specifically, that that business smuggled bulk currency from
15 the United States including Manhattan to the Dominican Republic
16 without complying with the relevant registration requirements
17 and that you knew that the smuggled currency was derived from a
18 criminal offense and was intended to be used to promote and
19 support unlawful activity, and that that offense is in
20 violation of 18, U.S.C., Sections 1960 and 2.

21 For purposes of the arraignment, how do you wish to
22 plead to this charge?

23 THE DEFENDANT: Not guilty, your Honor.

24 THE COURT: Okay. Thank you.

25 So that the record will reflect that Mr. Torres has

O8CUTORP

1 been arraigned on the information and an initial plea of not
2 guilty has been entered on his behalf and we'll make sure that
3 that is completed for the docket.

4 So, now, to return to the change of plea and the
5 allocution, Mr. Torres, again, as I just read, Count One of the
6 information charges from 2019 until 2022, you knowingly
7 conducted, controlled, managed, supervised, directed, and owned
8 an unlicensed money-transmitting business that smuggled bulk
9 currency from the United States to the Dominican Republic and
10 that that was derived from criminal offense from violation of
11 18, U.S.C., Sections 1960 and 2. Just, again, to confirm, do
12 you understand that charge?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And, now, for purposes of the plea
15 allocution, how do you wish to plead to that charge, guilty or
16 not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Okay. Thank you. Now, with respect to
19 the count in the information charging you with operating an
20 unlicensed money laundering business, I want you to understand
21 that the maximum penalty is a prison term of five years, a term
22 of supervised release of three years, a fine of as much as of
23 \$250,000 or twice what was gained because of the criminal
24 activity, or twice what someone other than yourself lost
25 because of the criminal activity, and a mandatory special

O8CUTORP

1 assessment of \$100. Do you understand these maximum penalties
2 that I've just described, Mr. Torres?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Good. Thank you. And do you understand
5 that as part of your guilty plea you're required to give up or
6 forfeit to the government any money or property you've received
7 from the offense or that was used to commit the offense, and
8 here, specifically, you're agreeing to give up 60,000 in United
9 States currency representing the property that was involved in
10 the offense to which you're pleading guilty? Do you understand
11 that, sir?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Thank you. In addition, the Court could
14 order you to pay restitution to any victims. Do you understand
15 that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Do you also understand that if, as part of
18 your sentence, you were placed on a term of supervised release
19 and you then violated any of the conditions of that release,
20 you could face an additional term of imprisonment?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: You told me earlier that you're a citizen
23 of the United States. I'm required to advise you that if, in
24 fact, you are not a U.S. citizen, a finding that you're guilty
25 of a felony offense may have a negative impact on your

O8CUTORP

1 immigration status and on any application you may make in the
2 future for permission to remain in the United States or to
3 become a United States citizen. You may also be subject to an
4 order of deportation, as a result of this guilty plea, if you
5 are not --

6 I'm sorry. Let me just say that again.

7 You may also be subject to an order of deportation,
8 and as a result of this guilty plea removed from the United
9 States. Do you understand that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you wish -- I'm sorry. Do you
12 understand that you have the right to plead not guilty to this
13 charge and a right to a jury trial if you wish?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Okay. Do you understand that if you pled
16 not guilty and went to trial, you would be presumed innocent
17 and the burden would be on the government to prove your guilt
18 beyond a reasonable doubt to a jury of 12 people?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Mr. Torres, I want you to understand that
21 there are a number of other rights that you would have if you
22 pled not guilty and went to trial. You have the right to be
23 represented by counsel, and if necessary, have the Court
24 appoint counsel to represent you at the government's expense at
25 trial and at every other stage of the proceeding. At a trial,

O8CUTORP

1 you would be entitled to confront and cross-examine any
2 witnesses called by the government to testify against you. You
3 would be entitled to testify on your own behalf. You could
4 call witnesses and present evidence and the Court would compel
5 the attendance of witnesses you wished to call at trial. Also,
6 at a trial, you would not be required to testify against
7 yourself. If you were convicted at trial, you would have the
8 right to appeal that verdict to a higher Court. Do you
9 understand all the rights I have just mentioned?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And, Mr. Torres, do you understand that
12 you're giving up all these rights if you plead guilty today?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: If you do plead guilty, you're also giving
15 up the right not to incriminate yourself, and in a few moments
16 I will ask you questions about what you did to satisfy myself
17 that you're actually guilty. By pleading guilty then you are
18 admitting your actual guilt as well as your legal guilt. Do
19 you understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: I further advise you that many of the
22 civil rights that I have mentioned a moment ago as well as the
23 right to vote are controlled by state law, and so the specific
24 consequences of a felony conviction will vary from state to
25 state. Mr. Torres, do you understand that if you enter a

O8CUTORP

1 guilty plea today, you will not be able to withdraw this plea,
2 there will be no trial, and the only remaining step in this
3 case will be the sentencing?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that even if you're
6 surprised or disappointed by your sentence, you're still bound
7 by your guilty plea?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: I have before me a letter dated
10 August 12, 2024, from the U.S. Attorney to your attorney
11 containing a plea agreement. Have you read this letter?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And the signature that I see before me is
14 yours on the last page?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Okay. And before you signed it, did you
17 discuss it with Ms. Sacks?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: And did she explain to you all of its
20 terms and conditions?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Now, apart from what's contained in this
23 letter, did anyone make any promises to you in order to get you
24 to plead guilty?

25 THE DEFENDANT: No, your Honor.

O8CUTORP

1 THE COURT: Now, in reviewing the plea agreement, I
2 note that it contains -- sorry --

3 Apart from what's contained in the letter, did anyone
4 make a promise to you about the sentence you would receive in
5 order to get you to plead guilty?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: In reviewing the plea agreement, I note
8 that it contains an analysis of how part of our law of
9 sentencing known as the sentencing guidelines may impact any
10 prison term in your case. Based on that analysis, the
11 agreement states the conclusion that the guidelines sentencing
12 range can be expected to be 18 to 24 months' imprisonment and
13 the fine range \$7,500 to \$75,000. Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Thank you. Do you understand that the
16 sentencing judge, Judge McMahon, is required to make her own
17 independent calculation of the appropriate sentencing range
18 under the sentencing guidelines and will also have the
19 discretion to give you a sentence below or above that range up
20 to the maximum sentence of five years that I told you about
21 earlier. Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: In addition to the sentencing guideline,
24 Judge McMahon will also consider the factors set forth in 18,
25 U.S.C., Section 3553(a). Those factors include but are not

O8CUTORP

1 limited to the nature and circumstances of the offense, your
2 history and characteristics, the need to the sentence imposed
3 to reflect the seriousness of the crime, to deter criminal
4 conduct, and protect the public, while also providing you with
5 any needed education, training, or medical care, and the kinds
6 of sentences available. In order words, Judge McMahon will
7 pronounce whatever sentence she believes is the appropriate
8 sentence for you even if that sentence is different from the
9 one in the plea agreement. Do you understand that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Judge McMahon will also consider a
12 presentence report prepared by the probation department in
13 advance of your sentencing before you're sentenced. You and
14 the government will have an opportunity to challenge the facts
15 in that report. Do you understand that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: There is no parole in the federal system,
18 Mr. Torres. Thus, if you're sentenced to prison, you will not
19 be released on parole. Do you understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you also understand that under the
22 terms of this plea agreement if Judge McMahon sentences you to
23 a prison term that is 18 to 24 months or less you're giving up
24 your right to appeal that sentence or to challenge it in any
25 other way such as through a writ of habeas corpus. Do you

O8CUTORP

1 understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And do you understand that the plea
4 agreement says that you cannot appeal any forfeiture amount
5 less than or equal to \$60,000, any fine of \$75,000 or less, any
6 special assessment of \$100 or less, and any lawful sentence of
7 supervised release? Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: So you're giving up your right to appeal
10 each of those issues? Do you understand?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you also understand that the plea
13 agreement provides that you're giving up your right to complain
14 if the government withheld evidence from your attorney that
15 would have been helpful to you?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Mr. Giannforti, are there any provisions
18 of the plea agreement you'd like me to review with Mr. Torres?

19 MR. GIANNFORTI: You may have said this and I missed
20 it, your Honor, but just to advise the defendant of the
21 guidelines reflected in the plea agreement are not binding on
22 Judge McMahon, and indeed the guidelines are advisory --

23 THE COURT: I believe I did say that.

24 MR. GIANNFORTI: I'm sorry if I didn't catch it.

25 THE COURT: I'm happy to go over it one more time.

O8CUTORP

1 So I was discussing the sentencing guidelines earlier.
2 First of all, those guidelines are advisory. They're not
3 binding. Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Okay. But in any event, Judge McMahon
6 will make a decision based on all the facts that are presented
7 to her in your case, and she can give you a sentence -- she
8 doesn't have to give you the sentence that's in the plea
9 agreement. She can give you a sentence anywhere up to the
10 maximum sentence of five years that I mentioned earlier. Do
11 you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Ms. Sacks, any provisions that you'd like
14 me to review with Mr. Torres?

15 MS. SACKS: No, your Honor.

16 THE COURT: You know, so knowing everything that I've
17 explained to you this morning, Mr. Torres, do you still wish to
18 plead guilty to Count One of the information?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Did anyone use any force or make any
21 threats, either directly or indirectly, to influence how you
22 plead today?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: And is your plea voluntary, of your own
25 free will?

O8CUTORP

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And did you, in fact, commit the offense
3 charged in Count One of the information?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Now, before I ask you to tell me what you
6 did, I will ask the government to summarize the elements of the
7 offense and summarize any evidence they would offer at trial.

8 Mr. Giannforti?

9 MR. GIANNFORTI: Your Honor, in order to sustain its
10 burden of proof with respect to Count One of the information,
11 the government would have to prove the following elements
12 beyond a reasonable doubt: First, that the business in
13 question was in the license money-transmitting business;
14 second, that the business was controlled, conducted, managed,
15 supervised, directed, or owned with knowledge that it was used
16 as an unlicensed money-transmitting business; and, third, that
17 operation of the money-transmitting business affected
18 interstate or foreign commerce. And with respect to venue, the
19 government would have to prove that venue is appropriate in
20 this district by a preponderance of the evidence.

21 And the evidence, your Honor, at trial would consist
22 largely of testimony from two different cooperating witnesses,
23 law enforcement testimony, recordings of the cash handoff
24 that's reflected in the underlying complaint here as well as
25 text messages between the defendant and one of the government's

O8CUTORP

1 cooperating witnesses.

2 THE COURT: Thank you, Mr. Giannforti.

3 All right. Mr. Torres, it's now time for you to tell
4 me in your own words what you did that makes you guilty of the
5 charge in Count One of the information.

6 THE DEFENDANT: From approximately 2019 to June 2022,
7 I agreed a handful of times to take money to the Dominican
8 Republic on behalf of someone else for a small fee. I didn't
9 have a license to operate a money-transmission business, nor
10 did I comply with any of the registration requirements to
11 conduct a money-transmission business. I also had reason to
12 know that the funds provided to me were from illegal activity.

13 I am extremely sorry for what I did.

14 THE COURT: Thank you, Mr. Torres.

15 And from 2019 to 2022, where were you residing?

16 THE DEFENDANT: I was residing at the time in Queens
17 and also in Florida.

18 THE COURT: Okay. And in connection with your
19 agreement to take money to the Dominican Republic, did you come
20 into Manhattan or the Bronx?

21 MR. GIANNFORTI: Your Honor, the government can
22 proffer evidence.

23 THE COURT: Yes.

24 MR. GIANNFORTI: One of the cooperating witnesses
25 would testify that one or more of the money handoffs that

O8CUTORP

1 happened before law enforcement got involved happened in
2 Manhattan.

3 THE COURT: All right. Thank you.

4 So is that -- is that your recollection, Mr. Torres,
5 that there was a money exchange that took place here in
6 Manhattan?

7 THE DEFENDANT: I don't remember being in Manhattan.

8 THE COURT: Okay. What about the Bronx?

9 THE DEFENDANT: No.

10 THE COURT: Did you have any -- did you meet with the
11 government or the cooperating witnesses, did you come into
12 Manhattan or the Bronx to meet with them at any point --

13 THE DEFENDANT: No.

14 MR. GIANNFORTI: So, your Honor, I think -- I believe
15 that there are also -- the cooperating witness would testify
16 that during the money handoff that's reflected in the
17 underlying complaint they were on the phone, sort of, as he was
18 driving from the -- the cooperator was driving from New Jersey,
19 met the defendant in Brooklyn, and I believe that he said, at
20 one point, like, I'm going over the bridge, the only bridges
21 that connect New Jersey to Brooklyn, you have to go over the
22 George Washington Bridge or the Tappan Zee Bridge, both of
23 which are in the district.

24 THE COURT: Is that the case, Mr. Torres? Did you
25 travel through --

O8CUTORP

1 MR. GIANNFORTI: I'm sorry. It's the other way
2 around. The cooperator traveled from New Jersey to Brooklyn.

3 THE COURT: I see. So, Mr. Torres, you were in
4 Queens, but the -- are you aware of whether the cooperating
5 witness that the government has referred to, that person
6 traveled through the Southern District of New York?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Okay. Thank you. And do you remember
9 approximately how many times you agreed to take money to the
10 Dominican Republic?

11 THE DEFENDANT: Just a handful of times.

12 THE COURT: So five or less?

13 THE DEFENDANT: Five or less. Yes.

14 THE COURT: And you knew that you did not have a
15 license to do so, correct?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: And you also didn't complete any of the
18 steps required to register as a money-transmission business,
19 correct?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: And the money that you were transporting,
22 did you understand where that money was coming from?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And where did you understand that it was
25 coming from?

O8CUTORP

1 THE DEFENDANT: I guess from the streets.

2 THE COURT: Did you understand -- by "the streets" do
3 you mean that it had an illegal origin?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Are there any other questions,
6 Mr. Giannforti?

7 MR. GIANNFORTI: No. Thank you.

8 THE COURT: Ms. Sacks?

9 MS. SACKS: No, your Honor.

10 THE COURT: But otherwise, Ms. Sacks, is there any
11 other dispute about venue in this case?

12 MS. SACKS: No, your Honor.

13 THE COURT: Okay. Thank you.

14 Based on Mr. Torres' responses to my questions and my
15 observation of his demeanor here today, I find that he's fully
16 competent to enter an informed plea today, and I also conclude
17 that he understands the nature of the charges and the
18 consequences of his plea. I'm satisfied that his plea is
19 voluntary and that there is a factual basis for it. So I will
20 recommend to Judge McMahon that the proffered plea to Count One
21 of the information be accepted.

22 And it's my understanding that she has not yet set a
23 sentencing date. So 120 days would be December 10th. So I'm
24 happy to set that as a control date, unless there's a
25 preference for a different date.

O8CUTORP

1 MR. GIANNFORTI: I'm almost certainly going to be on
2 trial on December 10th. So if we could push it into
3 earlier -- recognizing it's a control date, but maybe we can
4 set a control date early 2025.

5 THE COURT: Any objection?

6 MS. SACKS: That's fine.

7 THE COURT: Okay. We'll just pick a date that works
8 in January. How about the 6th, which is a Monday?

9 MR. GIANNFORTI: That should be fine.

10 THE COURT: Obviously, you all should contact
11 Judge McMahon's chambers.

12 MR. GIANNFORTI: Of course.

13 THE COURT: Anything further then, Mr. Giannforti?

14 MR. GIANNFORTI: No. Thank you.

15 THE COURT: Ms. Sacks?

16 MS. SACKS: No, your Honor.

17 THE COURT: Okay. Thank you for your cooperation here
18 today.

19 Mr. Torres, I wish you the best.

20 THE DEFENDANT: Thank you.

21 THE COURT: Thank you, everyone. And we'll be
22 adjourned.

23 MR. GIANNFORTI: Thank you.

24 o0o